

09/582890

(1)

I. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-2, 5-8, 11-18, and 21 are pending in the application. Claims 1, 8, and 13 are independent.

Claims 1-2, 5-8, and 11-18 were finally rejected as being unpatentable over Melocco and Wedell, for the reasons detailed at pages 2-7 of the Office Action. Applicants respectfully traverse all art rejections.

Applicants agree with the Examiner that claims are to be given their broadest reasonable interpretation. However, Applicants submit that the Examiner has given an unreasonable interpretation of "swelling" and "narrowing" in order to reject the claims. Briefly, the Examiner interprets "swelling" to encompass structure which **narrows** the diameter of the returning bush, while interpreting "narrowing" to encompass structure which **expands** the diameter of the returning bush. This is plainly unreasonable and would not be so-construed by the person of ordinary skill in this art.

In the March 4, 2004 Advisory Action, the Examiner addressed Applicants arguments that none of the cited art

(including Wedell) discloses or suggests the following features recited in each of the independent claims:

at least one end segment comprising two narrowings and one swelling, the maximum internal diameter of that end segment being less than the maximum internal diameter of non-end segments of the returning bush

See Fig. 5 of the subject application (copy attached) showing that the maximum internal diameter of the end segment (D4) is less than the maximum internal diameter of non-end segments (D2).

In response to Applicants' request for clarification, the Examiner wrote:

..does NOT place the application in condition for allowance because: Applicant requests examiner show where Wedell discloses an end segment having two narrowings and one swelling wherein the maximum internal diameter of such end segment is less than the maximum internal diameter of non-end segments. Examiner draws applicant's attention to Figure 6 (although Figure 4 applies also) where an end segment is considered to be from the point where item 5 is marked to the end where item 3 is marked. The claim limitation requires the end segment have two narrowings (where items 3 and 5 are marked). **The one swelling is considered to be the region of 2A. The claim limitation requires a swelling but has not required the swelling**

to be in any specific direction. The maximum diameter of this end segment is less than the maximum diameter of a non end segment which is considered to be in region of item 2. Claims are given their broadest reasonable interpretation.

(emphasis supplied)

Attached is a copy of Fig 6 of Wedell, marked up with the end segment, swelling, and narrowings, according to the Examiner's above construction. As is obvious, the Examiner's construction has the "swelling" with a narrower diameter than the "narrowings." This is clearly at odds with the plain meanings of "swelling" and "narrowing", but also with the disclosure of the subject specification and Drawings.

Claims are construed as one of ordinary skill in the art at the time of the invention would have understood them. See *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 986 (Fed. Cir. 1995) (*en banc*), *aff'd*, 517 U.S. 370 (1996). Where a claim term has an ordinary and accustomed meaning in the art, that meaning generally controls the construction of the claim. See *Johnson Worldwide Associates, Inc. v. Zebco Corp.*, 175 F.3d 985, 989 (Fed. Cir. 1999). In construing a claim, the court "should look first to the intrinsic evidence, i.e., the claims themselves, the written description portion of the [patent]

specification, and the prosecution history." *Bell & Howell Document Management Products Co. v. Altek Systems*, 132 F.3d 701, 705 (Fed. Cir. 1997); *Phonometrics, Inc. v. Northern Telecom, Inc.*, 133 F.3d 1459, 1464 (Fed. Cir. 1998).

As to the plain meaning of the claim terms, attached are definitions of "swelling" and "narrowing" obtained from [www.dictionary.com](http://www.dictionary.com). As evidenced by these definitions, the plain meaning of a "swelling" in the claims is structure which increases the width (or diameter) of the returning bush. The plain meaning of "narrowing" is structure which decrease the width (or diameter) of the returning bush. Accordingly, the Examiner's construction is believed to be unreasonable.

As to the teachings of the subject application, Figure 5 thereof is attached, and clearly shows what the specification describes as swellings and narrowings, as well as the maximum internal diameter of the end segment. Accordingly, the person of ordinary skill in this field, based on the plain meaning of the terms and the clear teachings of the application, would conclude that the claimed "swellings" and "narrowings" are to be construed as shown on the attached Fig. 5, and not in accordance with the Examiner's construction, as shown in the attached Wedell Fig. 6.

In view of the above remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicants

Richard P. Bauer

Registration No. 31,588

Patent Administrator  
KATTEN MUCHIN ZAVIS  
525 West Monroe Street  
Suite 1600  
Chicago, Illinois 60661-3693  
Facsimile: (312) 902-1061